



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Alturas Field Office  
708 W 12<sup>th</sup> Street  
Alturas, CA 96101  
www.ca.blm.gov/alturas



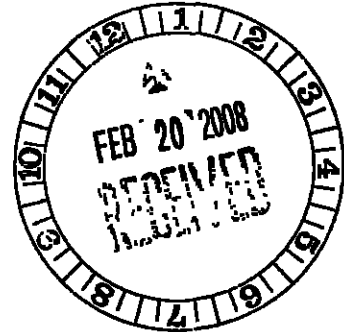
**ENTERED**  
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**FEB 20 2008**

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**Public Record**

February 15, 2008

In reply refer to  
8300 (CA-320)P



Honorable Vernon Williams, Secretary  
Surface Transportation Board  
395 E. Street, SW Room 1149  
Washington, D C. 20423-0001

**Re: STB Docket No AB-12 (Sub-No. 184x) Abandonment Exemption – Wendel-Alturas Line in Modoc and Lassen Counties, CA (Related to FD 32706), Request for Extension of NITU Negotiating Period**

Dear Secretary Williams:

The Bureau of Land Management's (BLM) Alturas Field Office, requests a six month extension of the negotiation period for rail banking the Wendel-Alturas segment of the Modoc Line under the Surface Transportation Board's (STB) rules for Interim Trail Use and Rail Banking (49 CFR 1152.29).

The Notice of Interim Trail Use (NITU) negotiating period is currently scheduled to expire on March 3, 2008. This request is for an extension to September 3, 2008.

Our request for a six month extension is based on the following:

- Since our last request for extension dated August 14, 2007, the BLM, the Lassen Land and Trails Trust and the Sierra Nevada Conservancy have cooperated in funding a Phase 1 Environmental Site Assessment of the 86 mile Modoc Line. The assessment found no evidence of hazardous material conditions warranting further environmental investigations at this time. A copy of the Executive Summary from the Environmental Assessment is attached (Attachment 1).
- The BLM and the California Department of Fish and Game submitted a proposal for Modoc Line acquisition funding to the California State Wildlife Conservation Board. We had hoped that the funding request would be placed on the Board's February agenda. Unfortunately, a vote on the request has been delayed until the May meeting of the Board. However, the Executive Director of the Board has indicated his support for the acquisition.
- Union Pacific (UP) concurs with the rail banking extension request and a letter of support is attached (Attachment 2).

- UP is likely to realize greater economic benefit if the Modoc Line corridor is left intact.
- The Sierra Nevada Conservancy has approved a grant request from the Lassen Land and Trails Trust to fund development of a management plan for the Line once the acquisition is completed (Attachment 3).
- The loss of the Modoc Line would be an economic blow to the rural economy of northeast California.
- Modoc Line rail banking has the support of County Supervisors as well as State and Congressional representatives.

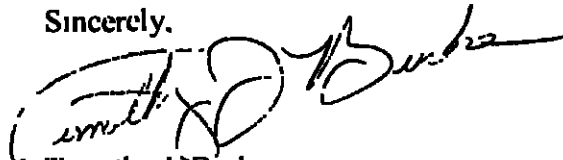
We apologize for failing to meet the March 3, 2008 rail banking negotiating period deadline. We fully expect that, if the negotiating period is extended, the Modoc Line acquisition will be completed during the next six months

We appreciate your consideration of this request for an NITU negotiating period extension. We also request that you reaffirm the conditions that all bridges and culverts be left in place.

An additional 10 copies of this letter are attached for your files.

If you need additional information please contact me at 530-233-7904 or at [tburke@ca.blm.gov](mailto:tburke@ca.blm.gov).

Sincerely,



Timothy J. Burke  
Field Manager

#### Attachments

cc:

M. Jensen, Union Pacific  
D. Barron, Eagle Lake Field Office  
J. Hanson, Lassen County Board of Supervisors  
D. Bradshaw, Modoc County Board of Supervisors  
J. Branham, Sierra Nevada Conservancy  
L. Hansen, Sierra Nevada Conservancy  
K. O'Toole, American Land Conservancy  
M. Sayles, Lassen Land and Trails Trust

## EXECUTIVE SUMMARY

*The property (subject property) investigated for this Phase I Environmental Site Assessment consists of approximately 85 miles of abandoned railway line, formerly known as the Modoc Line, which is located within Lassen and Modoc Counties, California. McGinley and Associates, Inc (MGA) performed a Phase I Environmental Site Assessment (ESA) of the property at the request of Lassen Land and Trails Trust, to determine potential environmental concerns associated with the site*

*The subject property consists of approximately 85 miles of abandoned railway line and includes a strip of land approximately 75 feet to either side of the line. The entire railway line is absent of the former rail lines and ties and is surfaced with a combination of dirt and gravel. Since the removal of the rails and ties in 2003, the subject property is periodically utilized by all terrain vehicles and foot traffic. All of the land comprising the subject property is vacant with the exception of two water towers, one located in the town of Likely and the other located in the town of Madeline. Additionally, there are remnants of abandoned water towers, foundations, and operator sheds adjacent to the line. The subject property is located in a sparsely populated area of northern California. As such, the subject property is largely surrounded by undeveloped rangeland. However, there are numerous private ranches located near the subject property. Additionally, the former railway line runs through several small towns including, Karlo, Crest, Ravendale, Termo, Madeline, Likely, and McArthur Siding, California.*

*The subject property is located within northeast California at an elevation ranging from approximately 4,200 feet to more than 6,400 feet above mean sea level (USGS, 1983). Average minimum and maximum annual temperatures for nearby Termo, California, as recorded during the period 1948-1999, are 28.1 and 60.3 degrees Fahrenheit, respectively, while total annual precipitation averages 10.85 inches. The subject property is located within the Modoc Plateau geologic province of northeastern California. As such, the vast majority of the subject property is underlain by Tertiary- and Quaternary-age volcanic rocks. These rocks consist primarily of basalt but include some areas of tuff. In many places, the basalt is overlain by Quaternary-age alluvial sediments. There are no ponds, wetlands, or major streams located on the subject property. However, there are numerous streams located proximal to the subject property, including Snowstorm Creek, Pete's Creek, Dry Creek, and the Pit River. Additionally, there are several small lakes and reservoirs located in close proximity to the subject property. The nearest major surface water bodies to the subject property are Moon Lake, which is located several miles to the northeast of Madeline and the Pit River, which is located a few miles north of Likely. Groundwater conditions on the subject property have not been ascertained but, in area of this size, are likely to vary considerably. In those portions of the subject property underlain by volcanic rocks, groundwater flow is likely to be largely controlled by fractures that are within the basalt. In the broad alluvial valleys, groundwater is likely present at shallow depths. According to the Environmental First Search report, three wells were indicated. However, two of the indicated wells are located far from the subject property.*

*A site reconnaissance revealed no evidence of recognized environmental conditions on the subject property, or upon the publicly accessible portions of those properties located immediately adjacent to the subject property. However, two aboveground water storage tanks were noted proximal to the railway line, one in Likely and the other in Madeline. A historical assessment indicates that the subject property was used as a railroad as far back as the early 1900s until the late 1990s. Otherwise the subject property has been vacant and undeveloped.*

*A regulatory agency review identified no environmental regulated sites within one-mile of the subject*

property except for the Termo Store, where there has been a reported petroleum product release, and groundwater contamination exists. As a result of the release, the nearby drinking water well was impacted by petroleum products. The owner (Cleatus Hoyer) of the Termo Store ceased the use of the contaminated water well and subsequently drilled a new water well. According to files maintained by the CRWQCB-LR, there was a detectable concentration of MTBE and Benzene in the ground water and two samples have been drawn: one in 1997 and one in 2006. MTBE detectable concentration levels were in excess of 2000 ppm and 110 ppm, respectively. According to a representative at the CRWQCB-LR, to date there is no obvious visible soil contamination, however, the site remains in open status due to no active remediation and detectable levels of MTBE in the groundwater. As a result there exists the potential of groundwater contamination to the subject property due to migration from the nearby Termo Store.

Upon conclusion of our Phase I Environmental Site Assessment (ESA), and based on the information reviewed, McGinley and Associates, Inc. is of the opinion that no further environmental investigations are warranted on the subject property at the present time. This assessment has revealed no evidence of recognized environmental conditions in connection with the subject property. However, the user should be aware that upon disturbance or construction of the subject property areas of petroleum product contaminated soils may be discovered due to previous normal railroad use. For example, diesel fuel and/or oil releases from the locomotive engines may have occurred. Additionally, if the user would like to gain more confidence with regard to the adjacent Termo Store release, the user may want to draw samples from the existing petroleum product impacted water well and obtain a laboratory analysis of the samples or install groundwater monitoring wells on the subject property.



February 13, 2008  
Folder: 02163-23

LASSEN LAND AND TRAILS TRUST  
PO BOX 1461  
SUSANVILLE CA 96130--146

Dear Mr. Sayles:

Reference is made to that proposed line sale between UNION PACIFIC RAILROAD COMPANY and LASSEN LAND AND TRAILS TRUST covering the abandoned Modoc Line located in Modoc and Lassen Counties, California. Union Pacific is looking forward to selling the line to the Lassen Land and Trails Trust and understands that funding with the Wildlife Conservation Board (WCB) is being sought. Union Pacific is supportive of the Surface Transportation Board's extension request.

Sincerely,



Mark Jensen  
Manager - Real Estate  
(402) 544-8532

**SIERRA NEVADA  
CONSERVANCY**

February 6, 2008

Matt Sayles  
Lassen Land & Trails Trust  
PO Box 1461  
Susanville, CA 96130

Application Reference # **SNC070252**  
Grant Agreement # **G0710001**

Dear Mr. Sayles

Congratulations! I am pleased to inform you that your application to the Sierra Nevada Conservancy (SNC) for grant funding for the Modoc Line has been approved through the Executive Officer authorization process.

Please review the attached agreement carefully. All four copies of the agreement, as well as the enclosed Payee Data Record STD 204, must be signed and returned to our office headquarters in Auburn. Costs associated with the project as authorized under the agreement may be incurred beginning the day the contract is signed by the SNC. You will be notified by email shortly after the agreement is signed, and a fully executed copy of the agreement will subsequently be returned to you for your records.

The SNC is grateful for the time and effort that you and your organization have dedicated to providing meaningful approaches to benefit the resources of the Sierra Nevada. We look forward to a lasting relationship in our mutual pursuits.

If you have any questions about next steps please contact Marji Feliz at 530-823-4679

Sincerely,



JIM BRANHAM  
Executive Officer

enclosures(5)